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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,913	05/21/2002	Jose Castillo Deniega	IFLOW.063NP	2831

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EXAMINER
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HAN, MARK K

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,913

Applicant(s)

DENIEGA ET AL.

Examiner

Mark K Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-28 and 73-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 18-28 and 73-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of U.S. Patent No. 5,441,481 to Mishra et al. (hereinafter "Mishra").

Wang shows an elongated support 40, porous membrane 32, nonporous membrane 14, and a guidewire lumen 42. See Figures 1-5. Wang, however, does not show that the porous membrane is a different material than the nonporous membrane and does not show longitudinal extending ribs. Mishra shows an outer membrane 122 that is a different material than the inner membrane and two longitudinal extending ribs 132/134. See Figures 4 and 5. It would have been obvious to one of ordinary skill in the art to modify the invention of Wang by including the different outer membrane and the longitudinally extending ribs, as suggested by Mishra, in order to provide enhanced porosity properties of the outer membrane and to provide support for the membrane.

Wang and Mishra disclose the claimed invention as shown above. Wang and Mishra, however, do not disclose expressly at least three longitudinally extending ribs. At the time the invention was made, it would have been obvious to one of ordinary skill in the art modify the invention of Wang and Mishra to include three longitudinally extending ribs since it has been

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held that mere duplication of parts is unpatentable. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

2. Claims 18-28 and 73-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,206,849 to Martin et al. (hereinafter "Martin") in view of Mishra.

Martin shows a catheter having an elongated support 48, a porous membrane 46, ribs 56/60, a nonporous membrane (unnumbered), first lumen 50, second lumen 52 and a guidewire lumen 54. See Figures 1-6. Martin, however, does not show that the porous membrane is a different material than the nonporous membrane and does not show longitudinal extending ribs. Mishra shows an outer membrane 122 that is a different material than the inner membrane and two longitudinal extending ribs 132/134. See Figures 4 and 5. It would have been obvious to one of ordinary skill in the art to modify the invention of Martin by including the different outer membrane and the longitudinally extending ribs, as suggested by Mishra, in order to provide enhanced porosity properties of the outer membrane and to provide support for the membrane.

Martin and Mishra disclose the claimed invention as shown above. Martin and Mishra, however, do not disclose expressly at least three longitudinally extending ribs. At the time the invention was made, it would have been obvious to one of ordinary skill in the art modify the invention of Martin and Mishra to include three longitudinally extending ribs since it has been held that mere duplication of parts is unpatentable. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

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*Response to Arguments*

3. Applicant's arguments with respect to claims 18-28 and 73-81 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark K Han whose telephone number is 571-272-4958. The examiner can normally be reached on Monday to Friday, 9 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Han  
Patent Examiner  
Art Unit 3763

mkh  
February 17, 2005



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